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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,158	11/26/2003	Joseph P. Catapano	1273-2	9239

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DILWORTH & BARRESE, LLP
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UNIONDALE, NY 11553

EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/723,158

Applicant(s)

CATAPANO, JOSEPH P.

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the fourth office action for U.S. Application 10/723,158 for a Cable Holder filed by Joseph P. Catapano on November 26, 2003. Claims 1-21 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 18 and 20, Applicant claims a method for providing a stackable cable holder. However, the steps of the claim are directed towards a method of securing a cable within the cable holder.

Claim Rejections - 35 USC § 102

Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,443,232 to Kesinger et al. Kesinger et al. discloses a cable holder with inner and outer hangers (12 and 14) each having a respective axis of symmetry and displaceably coupled to one another. The cable holder is secured by displacing the outer hanger and inner hanger relative to one another so that the symmetry of axes of the inner hanger is offset from the outer hanger, applying a force to the inner hanger (inserting the cable) and rotating the inner hanger and outer hanger relative to one another. Claims 18 and 19 contain limitations to the structure of the cable holder, but

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the structural limitations do not limit the method of securing and therefore carry no patentable weight.

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,721,412 to Kinsdorf. Kinsdorf discloses a method of securing a cable holding comprising the steps of displacing the outer hanger (1) and inner hanger (20) relative to one another so that the symmetry axes of the inner hanger and outer hanger are offset from one another (the inner hanger is slid into the outer hanger), applying a force to the inner hanger, thereby engaging the inner hanger with the support (10) upon inserting a respective one of the elongated objects. Claims 20 and 21 contain limitations to the structure of the cable holder, but the structural limitations do not limit the method of securing and therefore carry no patentable weight.

Allowable Subject Matter

Claims 1-17 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose: A cable holder for installing a plurality of elongated objects, comprising inner and outer hangers each having a respective axis of symmetry and displaceably coupled to one another between a deployed position, in which the axes of symmetry of the inner and outer hangers are aligned, and an installation position, in which the axes of symmetry of the inner and outer hangers are offset; wherein the inner and outer hangers each have a respective body shaped and dimensioned to receive and secure a respective elongated object upon displacing the inner and outer hangers from the installation position to the deployed position, in which

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the elongated objects extend parallel to one another; wherein the body of the inner hanger has a substantially C-shape defining a pair of arms, which are spaced equidistantly from the axis of symmetry of the inner hanger in opposite later directions and are biased outwards from one another to define a space configured to receive the elongated object; wherein the C-shaped body has a U-shaped recessed region spaced midway between the pair of arms and extending perpendicular to the axis of symmetry of the inner hangers so that the U-shaped recessed region interrupts a continuous curvature of the C-shaped body to allow the pair of arms to flex upon applying a compressive force thereto relative to the U-shaped recessed region; and further comprising a pair of spaced apart pins straddling the axis of symmetry of the inner hanger and extending parallel thereto through the U-shaped recessed region, one of the pins extending through and coupled to the outer hanger so that the inner and outer hangers are rotatable relative to one another between the deployed and installation positions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed September 25, 2006 have been fully considered but they are not persuasive. Applicant argues that certain structural features claimed in

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claims 18-21 are not present in Kesinger and Kinsdorf. However, the structural limitations do not limit the method claimed and therefore are given no patentable weight.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven M. Marsh

May 22, 2006


ANITA KING
PRIMARY EXAMINER